

**CITY OF TAYLORSVILLE
CITY COMMISSION
REGULAR MEETING**

June 5, 2012

The City of Taylorsville City Commission held a Regular meeting on Tuesday, June 5, 2012 at 5:00 p.m., at the City Hall Annex.

Present were:

Beverly Ingram, Commissioner
Nathan Nation, Commissioner
Kathy Spears, Commissioner
Larry Walldridge, Commissioner

Staff present:

John Dale, Jr. City Attorney
Steve Biven, City Clerk
Harold Compton, Public Works Director

Randy McConnell, Comptroller
Toby Lewis, Police Chief
Lisa Ware, Co-Treasurer

Item #1

Mayor Pro Tem Spears called the meeting to order at 5 p.m. and asked Mr. McConnell to conduct the prayer followed by a recital of the Pledge of Allegiance led by Chief Toby Lewis.

Mayor Pro Tem Spears announced that Item #4 on the agenda, the Public Comments, would take place before the Committee Reports.

Item #2 – *Consent Calendar*

Motion made by Commissioner Nation and seconded by Commissioner Ingram to approve the Consent Calendar for May, 2012, minus page 17. Motion carried 4-0.

Commissioner Ingram wanted an explanation for the first item on the top of page 17 of the consent calendar. Comptroller McConnell explained it was for the monthly transfer and that it showed up on the check history report in error.

Item #3 *Public Comment*

a) Anthony Travis - Mr. Travis was representing the Turnpike Property. He explained that he and his son have taken pride in the development of the Turnpike Property. He also stated that there is a possibility of more patio homes and apartments being built, but the mayor and county judge would have to approve it in order to secure funding. In his opinion, he would like to see the zoning that was changed a couple of years ago go back to the old zoning regulations.

b) Scott Travis – Mr. Scott Travis was also representing the Turnpike Property. Mr. Travis stated that the biggest issue with the Ordinance that was passed was that it creates a retroactive law. He read Article 1, section 9 of the US Constitution stating that no Bill of Attainder or ex post facto Law shall be passed. He stated that KRS statute 446.080 states that no statute shall be construed to be retroactive, unless expressly so declared.

c) Joyce Nally - Mrs. Nalley said she lives at Old South Plantation. She stated that she and her neighbors do not want anymore low income housing. Mrs. Nally doesn't believe that it is good business sense to have more low income house in Taylorsville.

d) Eddie Raymer – Mr. Raymer and Mr. Harry Lee, Attorney at Law, were representing Early Wyne. They have entered a contract with Maco to have the paving done in Early Wyne with a one year warranty. Mr. Raymer stated they are ready to proceed with the paving. Mr. Sisler stated he had not been directed by the City Commission to meet with Mr. Raymer. Mr. Dale stated he was concerned because the contract was dated for November 2011 and Mr. Clinton did not sign it until June 4, 2012. Mr. Raymer asked if once the roads were paved would the City allow them building permits and do away with the moratorium. Commissioner Ingram stated they had not paid their road bond and that is why they were not allowed any permits. **Motion was made by Commissioner Nation and seconded by Commissioner Waldrige to have Mr. Sisler meet with Mr. Raymer and Maco to review the road specs and report back to the city.** Motion carried with a vote of 4-0.

e) Bill Drury – Mr. Drury would like an explanation why the water rates for the people living in the county are so much higher than the rates of people living in the City. Mr. Drury stated he had asks a year ago for an explanation and he has never received one. Mr. Dale stated that Mr. Drury should know why they are higher since he was the City contractor at one time. If the City authorizes Mr. Dale to give Mr. Drury an explanation he would do that. Commissioner Nation stated that if there is a document with the information, Mr. Drury could attain that though the Open Records Law.

f) Evelyn McKemie – Mrs. McKemie passed out her proposed budget for the City. In her opinion, the Financial Statements are not accurate and are not presented fairly. Mrs. McKemie told the commission that they don't have a basis to tell her that her water cost more than the City's.

g) Nathan Lawson – Mr. Lawson was present to compare water rates of surrounding districts to that of the City of Taylorsville and protocols that they follow with regards to routine outages due to maintenance or breakage in lines and wondered why the City does not have something like that? He said that his wife's doctor recommend having their water tested due to his wife's health issues. Mayor Pro Tem Spears asks Mr. Lawson to write down his questions that he wanted addressed. Commissioner Nation asks Public Works Director, Harold Compton, to comment on what the procedures are as far as notification and what the city is required to do. Mr. Compton stated that he had called the Division of Water to intervene and that their sample came back clean. Mr. Dale stated that Mr. Lawson and Mr. Compton needed to sit down and work this issue out; it was going beyond the scope of the meeting.

h) Lawrence Trageser- Mr. Trageser was present to discuss the water rates. He asks the commission to explain to him why the sewer company operated by the City of Taylorsville cannot break even, let alone produce a profit and why are the water customers in the county paying to operate the sewer. Mr. Trageser also inquired about health care, the street sweeper that is now surplus, EPA regulations and other issues he had with city operations.

i) Paula Earls – Mr. Earls was present to discuss the issue of the trash cans sitting on the sidewalks and a crosswalk at the school. He wanted an update from when he came to the board

in April. Clerk Biven stated that the City had met with the school about the crosswalk. They are going to try to get that done once school was out for the summer. He stated that letters were sent out to the residents of Main Cross and Reasor Street to let them know to keep the sidewalks clear. There would be a notice on the water bill next month to remind customers to keep their cans off the sidewalks. Clerk Biven said they would monitor the sidewalks to see if they can find out who is leaving them there.

j.) Julie Wart Claire – was not present.

Item #4 – *Committee Reports*

a) Engineering Projects (Sisler – Maggard Engineering PLLC)

i) Highway 44 Sewer Line Update - Mr. Sisler stated that the contractor has been slowed down by rock, but the work is 75% completed.

ii) Main Street – District 5 finally approved the plans. The bid advertisement will be in tomorrow's paper and will be advertised for three (3) weeks. Bid openings will be on June 28th. The contractors have to be approved by KDOT to bid on the project.

iii) Contract Renewal for SME – Clerk Biven stated that there was a contractor renewal in the commissioner's packets. Commissioner Nation asks when the last time was that the City took bids for those services. Joe Sisler spoke up and said that there are no changes in their prices. Commissioner Nation said he thought that the prices looked very reasonable, but he thought the commissioners had a financial responsibility to solicit some proposals for those professional services. **Motion was made by Commissioner Nation to solicit for engineering services.** **There was no second therefore, the motion failed for lack of a second.** Clerk Biven stated that there needs to be a decision about engineering services for the next fiscal year. **Motion was made by Commissioner Ingram and second be Commissioner Waldrige to table this issue until the next meeting this month.** Mayor Pro Tem Spears, Commissioner Waldrige and Commissioner Ingram voted in favor. Commissioner Nation opposed. Motion carried with a vote of 3-1.

b) Main Street (Phyllis Williams)

Gordon Deapen stated that there are two vacant positions which he is going to present nominations for the City to approve. The Main Street Committee has nominated Phyllis Williams for the role of President and Linda Street for the role of Vice-President. The committee has completed the 501C3 state filings; the federal filings are due this fall. On May the 17th, Mr. Deapen was able to attend a seminar in Bowling Green entitled Building the Dream. The seminar also completed the training requirements for this calendar year. The Arts Festival and the Gourd Show were very successful. **Motion was made by Commissioner Ingram and seconded be Commissioner Waldrige to accept Phyllis Williams as President and Linda Street as Vice President of the Main Street Committee.** Motion carried with a vote of 4-0.

c) Planning & Zoning (Jan Kehne)

i) Ordinance 336 Re-zoning of H&H Enterprise (1st Reading) - Mrs. Kehne had the first reading for proposed Ordinance 336 - A recommendation of the Taylorsville-Spencer County Joint Planning and Zoning Commission by H&H Enterprises requesting a zone on 0.937 acre tract of land from R-2 residential to B-1 downtown business district for property located at 101 Reasor Avenue in the City of Taylorsville. Mayor Pro Tem asks Mrs. Kehne to clarify that this is Houghlin & Houghlin and Greenwell Jenkins Houghlin Funeral Home.

ii) Second Reading of proposed Ordinance 335 to Repeal Articles III, V, VI & VII Pertaining to Agricultural, Residential, Commercial and Industrial Zoning Classifications Adopted as City Ordinances 316, 314, 320 and 321 and Re-Adoption of the Prior Regulations for Articles III, V, VI, & VII of the Taylorsville-Spencer County Joint Planning & Zoning Regulations. **Motion was made by Commissioner Nation and seconded by Commissioner Waldrige to accept the recommendations.** Commissioner Ingram feels that there should be some meetings to clarify what the regulations are. Commissioner Nation stated that in 2010 when this was done, people had certain zoning and this strip them of a lot of options. Mayor Pro Tem Spears stated she has gone back and forth with this issue because she feels that when this was first brought back to the commission, there were things that they were not told when it was passed in 2010. She agrees with Commissioner Ingram, she wishes that everyone could have a meeting. Mayor Pro Tem had Clerk Biven read the motion again; it was to accept the recommendations, to repeal back to the 92 regulations. **Mayor Pro Tem Spears, Commissioner Nation and Commissioner Waldrige voted in favor. Commissioner Ingram opposed. Motion carried with a vote of 3-1.**

THE COMMISSION RECESSED AT THIS TIME.

Item #5 – Old Business

a) Taylorsville Drainage Project Update (Houston Court) - Mike Draper, DLZ

Mr. Draper was not present. Clerk Biven stated that there was an invoice in the commissioner's packet. Clerk Biven said that they have had another conference call with FEMA last week and within the next 30 days they hope to have all the documentation from the Corp of Engineers and the Department of Interior. FEMA has asked that the City document how the project could interfere with the Running Buffalo Clover and disrupt the Indiana Bat.

b) All Saints Church – Sidewalk on Park Alley

Clerk Biven stated that they have met with the school, the City engineers and the church about working through this project. The right-a-way on the road is 14 feet, so any sidewalk that is built along Park Alley will need to be located on the church property. The Church has already removed the sidewalks that were there. The church will grant an easement for work at the site and tie in their ditch with the City's ditch. Clerk Biven also stated that this project has been tied in with two other drainage issues involving the school on Jefferson Street. The City is also looking at the crosswalk on Jefferson and one on Reasor.

c) Other

There was no other old business at this time.

Item #6 – New Business

a) Department Reports

Financial Report

Mr. McConnell provided the commission with a cash analysis report, deposit collateral report and the overtime report. He also stated that the city is fully collateralized at all three banks.

Mr. McConnell stated the first item for consideration was the first reading of Ordinance 334, Budget for the 2012 – 2013 year. Commissioner Nation suggested that since the commissioner

had just heard the public comments, would the commission want to have further discussion on the matter at a special meeting. **Motion was made by Commissioner Waldrige to pass the budget for year 2012-2013.** Mayor Pro Tem stated that she would like to look at the budget closer also. **Motion failed for a lack of a second.**

Motion was made by Commissioner Nation and seconded by Commissioner Ingram to table the first reading of Ordinance 334 to take into consideration comments made at the public hearing. Mayor Pro Tem Spears, Commissioner Nation and Commissioner Ingram voted in favor. Commissioner Waldrige opposed. **Motion carried with a vote of 3-1.** A special meeting was schedule for Tuesday, June 12, 2012 at 10:00 am.

Mr. McConnell stated that the Cash Analysis was in the commissioner's packets. Overtime is under budget for both Water & Sewer and General Fund.

Mr. McConnell informed the commission that in reviewing revenue in the General Fund account, Property Taxes year to date are \$139,28 net of discounts, Insurance Premiums \$171,222. First Quarter Premium Revenue was only \$35,980 and year to date Occupational License Tax \$256,651 for the year. On the expense side, Street Repair and Maintenance – is 29,604. Total budget for FY2012 is \$37,285. Capital Outlay – Street includes the Purchase of a Salt building in the amount of \$8671.00.

Water Revenue is \$160,350 under budget, Sewer Revenue is \$12,096 under budget, Meter Sets is \$68,022 under budget and Sewer Taps are \$44,061 under budget year to date.

The total Sewer Upgrade Project was \$3,901,743 including the High School Pump Station.

The Physical Inventory is scheduled for June 26 & 27, 2012

The Annual Audit that had been scheduled for the week of July 30th has been changed to the week of August 13th.

Utility

Water - Mr. Compton stated that the Water Quality Report (CCR Report) has been mailed to the customers. There were no violations this past year.

Mr. Compton stated that the capital purchases of the fence for the Wastewater Treatment Plant and the Jetter required to clean out sewer lines as part of the SSES project will not be purchased before June 30, 2012. For this reason, he would like to suggest the purchase of a backhoe and truck scheduled for FY12, be purchased prior to June 30, 2012. The cost of purchasing the back hoe being looked at for next year is expected to increase by approximately \$7,000 due to state price contract changes. Mr. Compton stated that this replacement would save the city money. The truck purchase, also off the state contract, can be readily purchased within the time frame of the current fiscal year and not have cause to carry it over to the next year's budget, which would thereby be over the total amount budgeted, when the jetter and fence are finally purchased. Mr. Compton stated that the City just spent \$3,000 on the truck needing to be replaced. Mayor Pro Tem Spears stated that she would like to see the City hold off on any purchases and hiring any new personnel. **Motion was made by Commissioner Nation and seconded by Commissioner Waldrige to approve up to \$19,000 to purchase a new truck on the state contract.** Mayor Pro Tem Spears, Commissioner Waldrige and Commissioner Nation voted in favor. Commissioner Ingram opposed. **Motion carried with a vote of 3 to 1.**

Sewer - Mr. Compton stated that Kevin Sisler is working on the plans to upgrade Garrard Street. In regards to the SSES work; everything that can be completed above ground has been completed with the exception of a few things in town. Smoke testing will be done again this summer and there are some sewer lines that need to be cleaned.

Mr. Compton stated that the Division of Water requires the City to produce a 20 year plan for capital outlay of water lines and the water system. He suggested that the City needs to put money in Capital Outlay for this plan. The 20 year plan has to been sent in yearly.

Public Safety

Police - A monthly schedule was in the commissioner's packets.

Chief Lewis stated that the Click it or Ticket program has ended. There were a total of 140 citations issued in that time period.

Update on the Class D Felon Program - Chief Lewis is still waiting on a call from the Shelby County Detention Center to set up training hours.

Chief Lewis said there has been some vandalism on Maple Avenue. He also stated that they made a drug arrest on Maple Avenue.

Mayor Pro Tem Spears stated that she would like to see that the Expeditions are marked.

Motion was made by Mayor Pro Tem Spears and seconded by Commissioner Nation to have Chief Lewis bring back some way of marking both of the Expeditions. Chief Lewis asked the commission what directions they would like him to go in. He said he would like to keep them uniform with the other police vehicles. **Motion carried with a vote of 4-0.**

Fire - Claude Owen and Jim Hodge were present to discuss the old water plant. The commissioners stated that they are interested in purchasing the property. Commissioner Nation stated that the building is unsafe per the Ordinance. Mayor Pro Tem Spears offered that the city could obtain phone numbers from the EPA and Corps of Engineers that would need to be contacted before demolishing the property. Mr. Owen asks if he took out the front two buildings, would the City be satisfied. Commissioner Nation and Commissioner Waldrige are to meet with Mr. Owen and Mr. Hodge to see if they can work something out pertaining to this issue.

General Government

Contract renewal – Dispatching

Commissioner Nation inquired about the phone expenses that have been provided to Mrs. Cranmer in answering calls for the City. Mayor Pro Tem Spears ask Mr. Compton to explain why the City provides this service. Employee Keith Waldrige stated that it is not efficient to receive the calls because they would never get a water line break fixed if the employees had to stop work to answer the phone calls. **Motion was made by Commissioner Ingram and seconded by Commissioner Waldrige to accept the contract renewal for Marlene Cranmer with the addition of number 4 in the contract.** **Motion carried with a vote of 4-0.**

Street Sweeper

Clerk Biven stated that there was a bid for street sweeper from Sweep All. This bid includes Main Street to the bridge on Highway 44 back to the end of the curbs going East, Taylorsville Road from Main Street to the entrance of Settlers Center Shopping Center and Jefferson Street from the light to the bridge. The bid was in the amount of \$375.00 a month or \$300.00 a month if done twice a month. They also could add Main Cross and Reasor Streets and the three public square lots for \$425.00 a month. If the City would enter into a contract with someone the state may reimburse the City the cost of having the streets cleaned. The cost to haul the old street

sweeper off would be \$240.00. The old street sweeper has been surplus. **Motion was made by Commissioner Waldrige and seconded by Commissioner Nation to have the streets swept 12 times a year.** Motion carried by a vote of 4-0.

There was no other new business at this time.

Item #7 – Legal

De-Annexation of River Heights

Mr. Dale stated that he was waiting on a description from the developer. There are two Ordinances required; one that would have to be sent to the county to see if they have any objections, and then another Ordinance to actually de-annex.

Annexation Documentation- Mr. Dale suggested tabling the annexation documentation until the next meeting.

Mr. Dale stated that the Court of Appeals had declared the Charter petition null and void. The opposing side has 30 days to re-file.

Mr. Dale stated that the issue with Knapp Meadows is set to go to trial June 27.

Item #8 - Elected Officials' Comments (Mayor and City Commissioners)

There were no commissioner's comments at this time.

ADJOURN TO EXECUTIVE SESSION

Item #9 – Motion was made by Commissioner Ingram and seconded by Commissioner Nation to Adjourn to Executive Session under provisions of KRS 61.810 (1) (b) **Deliberations on the future acquisition or sale of real property by a public agency (c) Discussions of proposed or pending litigation against or on behalf of the public agency (f) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee.** Motion carried 4-0.

RETURN TO OPEN SESSION

Item #10 – Motion was made by Nation and seconded by Commissioner Waldrige to return to open session. Motion carried 4-0.

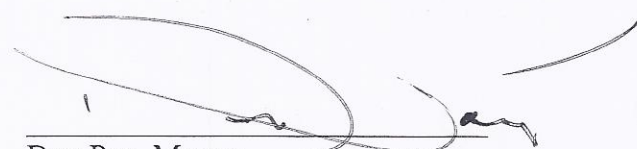
Item #11 – Motion was made by Nation and seconded by Commissioner Waldrige to extend medical insurance coverage to Ricky McClain until July 3rd meeting of the city commission. Motion carried 4-0.

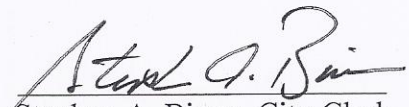
Item #12

Public Works Director Compton explained the details of the Ochs Lane water quality issue.

ADJOURN MEETING

Item # 13 - Motion was made by Commissioner and seconded by Commissioner to adjourn. Motion carried 4-0.


Don Pay, Mayor


Stephen A. Biven, City Clerk